



# CITY OF HOUSTON

Legal Department

Post Office Box 1562 Houston, Texas 77251-1562 713/437-6769 or 713/437-6700

## **PROVING A DEED RESTRICTION VIOLATION**

Due to limited resources, the Deed Restriction Enforcement Team relies upon the complainant to collect evidence of the activity that violates the deed restrictions. Although one type of evidence may be sufficient, the more evidence obtained, the stronger the case will be. Below is a discussion of different types of evidence which are helpful in proving a deed restriction violation.

### **Photographs**

1. Photographs are the most compelling evidence of a deed restriction violation.
2. The Deed Restriction Enforcement Team recommends that complainants provide photographs from a camera that date-stamps the photos.
3. When providing photographs, please write, on the back of each photo, the date the photo was taken (if it is not date-stamped), the address of the property in the photo and the name of the person who can testify that he or she personally observed what is depicted in the photo on the date it was taken.
4. It is not necessary that the person who took the photo testify, however, to use the photo in court, it is *absolutely necessary* that the person testifying *personally observed* what is depicted in the photo on the date the photo was taken.

### **Eyewitnesses**

1. The more the better.
2. Each eyewitness must have *personally observed* any activity that he or she testifies about.

### **Logs**

1. Complainants should keep a daily log which includes the date any activity is observed, what type of activity is observed, the make, model and color of any vehicles involved in the activity, the license plate numbers of any vehicles involved in the activity, the names of any persons involved in the activity and any other information which the person keeping the log feels is relevant to the deed restriction violation.

### **Documentary Evidence**

1. This includes any printed materials which will help prove the deed restriction violation such as flyers, advertisements, business cards or any other printed materials.

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